



Radiocommunications (Exemption – Visiting Dignitaries) Determination 2023

The Australian Communications and Media Authority makes the following determination under subsection 27(2) of the *Radiocommunications Act 1992*.

Dated: 9 MARCH 2023

Member

Member/General Manager

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Exemption – Visiting Dignitaries) Determination 2023*.

2 Commencement

This instrument commences at the start of the day after the day it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation is available, free of charge, at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 27(2) of the *Radiocommunications Act 1992*.

4 Repeal of this instrument

This instrument is repealed at the start of the day that is the fifth anniversary of the day it commences.

5 Interpretation

In this instrument, unless the contrary intention appears:

Act means the *Radiocommunications Act 1992*.

dignitary security period: see paragraph 9(1)(b).

electronic counter measures means measures designed to interfere with, disrupt, distort or disturb radiocommunications.

international organisation means an international organisation declared in regulations made under subsection 5(1) of the *International Organisations (Privileges and Immunities) Act 1963*.

relevant person means:

- (a) a person performing a function or duty in relation to the Australian Federal Police or the police force of a State or Territory; or
- (b) a person performing a function or duty in relation to the defence, security or international relations of Australia.

visiting dignitary: see paragraph 9(1)(a).

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) ACMA;
- (b) interference;
- (c) radiocommunication.

6 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and

- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force, or existing, from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: See section 314A of the Act.

7 Exemption – relevant persons

An act or omission by a relevant person is exempt from:

- (a) all of Part 3.1 of the Act;
- (b) all of Part 4.1 of the Act; and
- (c) all of Part 4.2 of the Act;

if all of the circumstances specified in section 8 exist.

8 Exemption – circumstances in which the exemption applies

- (1) The exemption in section 7 applies only if all of the circumstances specified in this section exist.
- (2) The act is performed, or the omission occurs, in the performance of the relevant person's functions and duties in relation to:
 - (a) the Australian Federal Police;
 - (b) the police force of a State or Territory; or
 - (c) the defence, security or international relations of Australia;as the case may be.
- (3) The act is performed, or the omission occurs, both:
 - (a) in relation to the implementation of electronic counter measures associated with the security of a visiting dignitary; and
 - (b) during the dignitary security period for the visiting dignitary.
- (4) In paragraph (3)(a), the implementation of electronic counter measures may include the use of an electronic counter measure vehicle.

9 Notifiable instrument – visiting dignitary and dignitary security period

- (1) The ACMA may by notifiable instrument:
 - (a) name a person (*visiting dignitary*); and
 - (b) specify a period for that person (*dignitary security period*).
- Note: See subsection 27(2A) of the Act.
- (2) The ACMA must not make a notifiable instrument naming a person under subsection (1) unless:
 - (a) the person is a head of state, deputy head of state, head of government, or deputy head of government, of a nation other than Australia; or
 - (b) the person is a member of a branch of the government of a nation other than Australia; or
 - (c) the person is a member of or delegate to the governing body, or similar, of an international organisation; or

- (d) the ACMA is satisfied that it is in the interests of the defence, security or international relations of Australia to make the instrument naming the person.

Note: For the Australian Federal Police's role in relation to visiting dignitaries, see the Ministerial direction issued under subsection 37(2) of the *Australian Federal Police Act 1979*.

Example for paragraph (a): President of a country.

Examples for paragraph (b): The Chief Justice of the supreme court of a country, or a member of the Parliament of a country.

Example for paragraph (c): The representative of a country on the Security Council or General Assembly of the United Nations.

- (3) A dignitary security period must not be more than 14 days.